

MEMO ENDORSED

UNITED STATES OF AMERICA

V.

AMBIORIX E. DUVAL FLORES
SOUTHERN DISTRICT OF NEW YORK
CASE # 21-CR-00066

DEFENDANT'S REQUEST FOR BAIL DURING THE PENDENCY OF 2255 HABEAS MOTION

On May 17th 2021, I filed my 2255 motion to vacate or reduce the 60 month prison sentence imposed by the Court that followed a Conspiracy conviction. The motion has been acknowledged by the Court, which ordered a response from the Government as well as the defendant. As of November of this year, both parties have responded and are currently awaiting review and decision from the Honorable Judge Kenneth Karas. I am respectfully requesting to be granted Bail during the pendency of the procedure. I strongly believe that my 2255 motion holds sufficient merits for the Court to vacate or reduce the sentence imposed.

DEFENDANT'S HISTORY

Since my arrest on February of 2020, I was granted Bail during the pre-trial period until May of 2021. A period that went with out any incidents or complaints. After being remanded into the custody of the Bureau of Prisons, I have maintained a clean record with zero incidents as well as maintaining gainful employment within the Prison system. I have maintained a Minimum Risk level through out my entire custody and have completed numerous programming and education courses offered by the Bureau of Prisons.

EXTRAORDINARY CIRCUMSTANCES FOR BAIL

In light of the state of emergency issued by President Joe Biden due to the COVID 19 pandemic, the Prison system is currently at very high risk for infections. FCI Fort Dix is currently at level 3, the highest risk level for infections. Since the state of emergency was issued, the Bureau of Prisons has released over 5,000 inmates to continue serving their sentence on Home Confinement, also known as the CARES Act of 2020. The CDC identified numerous medical conditions that are a high risk of Death if the person is infected with COVID. I have high blood pressure, Cholesterol, and Asthma. All underlining medical conditions identified by the CDC to be a high risk of death if infected with COVID. Since I am a Minimum Risk inmate in the Bureau of Prisons and currently reside at a Prison Camp, I find it within reason for this Court to approve Bail during my pending 2255 habeas procedure.

INTENTIONS FOR BAIL

If the Court grants this Request for Bail, I will continue to stay gainfully employed in the community. An opportunity to provide for the family and my 3 children in a positive manner. I will reside with my family as I did during my pre-trial period until the Court makes a decision on my 2255 motion.

Respectfully, AMBIORIX D. FLORES

November 17th, 2022

Application for bail is denied. Defendant's prior compliance with bail conditions, before his conviction are irrelevant precisely because his conviction constituted a changed circumstance. No more persuasive is the claim regarding Covid. While jails do present greater risks for Covid spread, vaccines have proven extremely effective at reducing the risk of hospitalization and death. While Mr. Flores claims he is at higher risk, that does not dilute the effectiveness of the vaccine. Moreover, at least two of the supposed high risk factors (asthma and cholesterol) do not place Mr. Flores in any added danger and his claim to high blood pressure is vague and unsubstantiated.

ECLIVE

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S.D.C.
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So Ordered.

11/22/22

Ambiorix Flores

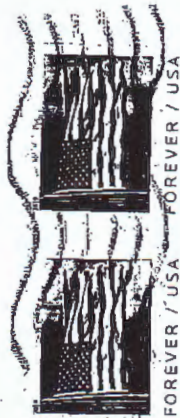
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Joint Base MDL, NJ 08640

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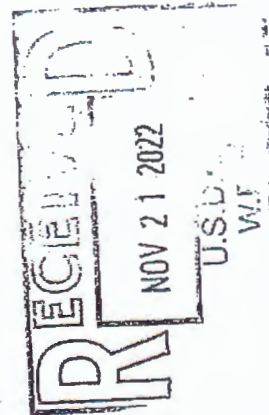
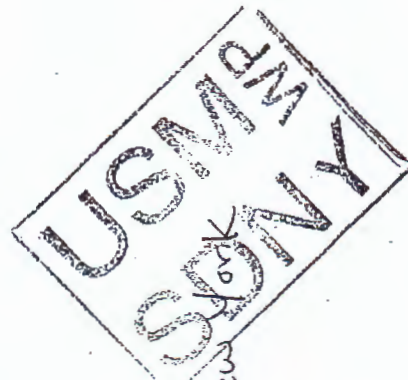


CLERK

United States Courthouse
Southern District of New York

300 GUARROPAS STREET

White Plains, NY 10601



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